

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO
DISTRICT OF NEW MEXICO

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STATE OF NEW MEXICO on the)
relation of the State Engineer,)
and THE UNITED STATES OF)
AMERICA,)
Plaintiffs,)
v.)
RAMON ARAGON et al.,)
Defendants,)
and)
JICARILLA APACHE TRIBE,)
Defendant-Intervenor.)

Robert W. Marshall
CLERK-SANTA FE

No. CIV 7941-SC
RIO CHAMA STREAM SYSTEM

ORDER

THIS MATTER having come before the Court on the joint motion of the Jicarilla Apache Tribe (hereinafter "the Tribe"), the State of New Mexico ex rel. State Engineer (hereinafter "the State"), and the United States of America (hereinafter "the United States") to establish expedited proceedings on objections to the proposed partial final decree and to establish procedures whereby all claimants of water rights within the Rio Chama Basin would be notified of the deadline for objections to the proposed partial final decree adjudicating the Tribe's right to the waters of the Rio Chama Basin, the Court having

reviewed Exhibits "A" and "B" attached to the joint motion and the procedures set forth therein for notification and service of all water right claimants, and the Court being fully advised in the premises, the Court hereby finds:

1. The timeline for expedited inter se objections to the proposed partial final decree provides a full and fair opportunity for all water right claimants within the Rio Chama Basin to review the necessary documents and to be heard on any objections prior to entry of the proposed partial final decree.

2. The notices attached to the joint motion as Exhibit "A" and Exhibit "B" fairly and adequately inform defendants and all persons claiming water rights in the Rio Chama Basin of their rights to participate and offer evidence in support of objections to those water rights in the Rio Chama Basin claimed by the United States on behalf of the Jicarilla Apache Tribe and by the Tribe on its own behalf.

3. The notices and the procedures set forth in Exhibits "A" and "B" allow full opportunity for participation of all defendants and water right claimants in the legal process prior to entry of a partial final decree for the Rio Chama Basin water rights of the Jicarilla Apache Tribe.

IT IS THEREFORE ORDERED that:

1. The State shall coordinate with the United States in forming a mailing list for all known water right claimants with their available addresses. For those areas of the Rio Chama Basin where the State has no current addresses on file, the United States and the State shall make every reasonable effort to attempt to identify all persons owning lands with appurtenant water rights in the Rio Chama Basin on or before August 1, 1995.

2. Before October 2, 1995, the State and the United States shall mail the notice attached to the Joint Motion as Exhibit "A" to all known water right claimants with addresses identified by the State and to all persons owning land with appurtenant water rights in the Rio Chama Basin as identified by the State and the United States.

3. Pursuant to 28 U.S.C. § 1655 and Fed. R. Civ. P. 4(e), the United States and the State shall publish the notice for publication attached to the joint motion as Exhibit "B" once a week for six (6) consecutive weeks before October 2, 1995 in The Rio Grande Sun, Albuquerque Journal, The Santa Fe New Mexican, and the Taos News.

4. The United States and the State shall promptly send a copy of the notice or the proposed decree to any person requesting those documents, and shall keep a list of names and addresses of persons who request them. This list shall be made available to any party upon request.

5. All water right claimants wishing to participate in the inter se process must file objections to the proposed partial final decree by December 1, 1995 with the Clerk of the Court of the United States District Court, District of New Mexico or be forever barred from subsequent presentation of evidence or argument regarding the water rights claimed by the United States on behalf of the Tribe and by the Tribe on its own behalf in and to the Rio Chama Basin.

6. Pursuant to Fed. R. Civ. P. 16, a pre-hearing and scheduling conference is scheduled for December 15, 1995 before Special Master Vickie L. Gabin. All persons who

file objections on or before December 1, 1995 shall be notified by mail of the time and place of the pre-hearing and scheduling conference.

DATED: 7/17/95, 1995.

Santiago E. Eauger
UNITED STATES DISTRICT JUDGE

RECOMMENDED FOR ENTRY:

Vickie L. Gabin
SPECIAL MASTER